

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 9. This sheet, which includes Fig. 9, replaces the original sheet including Fig. 9.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 26-82 are pending, with Claims 26, 27, 28, 37, 29, 40, 41, 45, 47, 39, 50, 51, 57, 58, 60, 66, 67, 70, 73, 75, 78 and 80 amended by the present amendment.

In the outstanding Office Action, the drawings are objected to as including informalities; Claims 26-48, 50, 52-55, 57, 61-64 and 66 are rejected under 35 U.S.C. §112, first paragraph; Claim 45 is rejected under 35 U.S.C. §112, second paragraph; Claims 26-28, 38-40, 41, 48-50, 51, 56, 58-60 and 65 are rejected under 35 U.S.C. 102(e) as anticipated by Fawaz et al. (U.S. Pat No 6,714,517 B1, herein "Fawaz"); Claims 27, 68, 70, 71, 73, 5, 76, 78, 79 and 81 are rejected under 35 U.S.C. 102(e) as anticipated by Bruckman et al. (U.S. Pat. App. 2002/0118700 A1, herein "Bruckman"); Claims 75-82 are rejected under 35 U.S.C. 102(e) as anticipated by Cao et al. (U.S. Pat. No. 6,785,291 B1, herein "Cao"); Claims 37, 47, 57 and 66 are rejected under 35 U.S.C. 103(a) as unpatentable over Fawaz in view of Weberhofer (U.S. Pat. No. 6,014,384); Claims 67-74 are rejected under 35 U.S.C. 103(a) as unpatentable over Cao in view of Cavendish ("Evolution of Optical Transport Technologies: From SONET/SDH to WDM"); Claims 29-36, 42-46, 52-55 and 61-64 would allowable if rewritten to overcome the rejection under 35 U.S.C. 112, first paragraph; and Claims 56 and 65 are indicated as allowable but are objected to as dependent upon a rejected base claims.

In response to the rejection of Claim 26 and similarly Claim 39 under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement, Applicants traverse the rejection. Applicants submit that unamended Claims 26 and 39 are supported by the specification.¹ However, in interest of progressing toward allowance, Claims 26 and 39 are amended to recite, "a classifier circuit connected to said input and configured to output a

¹ Specification, page 16, line 11 to page 18, line 15.

classified flow.” Accordingly, applicants request the rejection of Claims 26 and 39 be withdrawn.

In response to the rejection of Claim 27 and similarly Claims 40 and 50 under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement, Applicants traverse the rejection. Applicants submit that unamended Claims 27, 40 and 50 are supported by the specification.² Nonetheless, in interest of progressing toward allowance, Claims 27, 40 and 50 have been amended to recite “wherein said classifier circuit is configured to classify each flow according to a priority or a QoS attribute.”

However, with respect to the portion of Claims 27, 40 and 50 that recites a QoS attribute, a person skilled in the art would unquestionably recognize that this feature is found in the original disclosure. M.P.E.P. §2163 (II.A.3.b) states, “each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure.” Specifically on page 12, second paragraph, the specification states, in part, “Some applications are critical. As such, those flows which are mission critical, are granted full failure protection. Their packets are immediately redirected to the working ring and sent on to their final destination with full quality-of-service (QoS) guarantee.” A person skilled in the art would recognize that above paragraph implicitly describes that a flow is given a full quality-of-service (QoS) guarantee and taking the entire specification into account, the classifier circuit is the component that would perform this function. Accordingly, applicants request the rejection of Claims 27, 40 and 50 be withdrawn.

In response to the rejection of Claim 29 and similarly Claims 42 and 52 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement, Applicants traverse the rejection.

² Specification, page 16, line 11 to page 18, line 15.

As noted above, M.P.E.P. §2163 (II.A.3.b) states, “each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure.” A person skilled in the art would unquestionably recognize that in the original disclosure a description of the invention defined by the claims. Specifically on page 12, second paragraph, the specification states, in part, “other applications are not as mission critical. These packets are afforded a lesser degree of protection. They can be redirected on a best-effort basis with no QoS or other bandwidth guarantee. Alternatively, they may be queued and then switched.” A person skilled in the art would recognize that above paragraph implicitly describes queuing lower priority packets until there is sufficient bandwidth to switch the packets. Therefore, “queuing a flow destined to said first ring and having a second priority until a predetermined condition is satisfied,” is clearly supported by the above noted paragraph as the predetermined condition is that sufficient bandwidth is available.

Further, with respect to “queuing a flow destined to said first ring and having a third priority until said ring segment status changes a second time,” this paragraph is also clearly supported by the specification. Specifically, page 12, second paragraph states, “still other applications can have no failure protection. If there happens to be a downed segment, some packets are not redirected; these applications lose their ability to reach their intended destination until the failure has been fixed.” This paragraph clearly describes holding (queuing) certain flows until a failure (ring segment status) has been fixed (second change, where the first change is the failure). Accordingly, applicants request the rejection of Claims 29, 42 and 52 be withdrawn.

In regard to the prior art rejections, independent Claims 26, 39, 49, 58, 67, 70, 73, 75, 78 and 81 are amended to incorporate features similar, if not identical, to those recited in allowable Claims 30, 43, 53 and 62. Thus, amended independent Claim 26 recites that “said

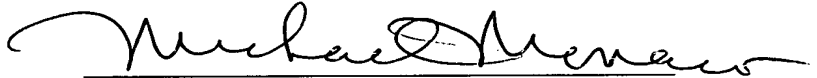
ring segment status is a ring segment congestion condition or a ring segment failure condition." Independent Claims 39, 49, 58, 67, 70, 73, 75, 78 and 81 recite similar features.

Therefore, it is respectfully submitted that independent Claims 26, 39, 49, 58, 67, 70, 73, 75, 78 and 81, and claims depending therefrom, are in condition for allowance.

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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